

09/894,327

MS163228.01 / MSFTP234US**REMARKS**

Claims 1-27 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-27 Under 35 U.S.C. §103(a)

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connally (US 2002/0194585 A1). It is requested that this rejection be withdrawn for at least the following reason. Connally does not teach or suggest all the limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants' claimed invention relates to a transportable identifier and system and method to facilitate access to broadcast data. (See page 1, ll. 6-7). In particular, independent claims 1, 11, 19, 20, 22, and 23 recite a similar limitation: *a transportable object that represents a future temporal broadcast of target data to facilitate data communications between users of the transportable object*. Contrary to the Examiner's assertions, Connally does not teach or suggest this aspect of the invention as claimed.

Connally relates to providing client feedback to a broadcast source to provide content on demand in broadcast systems. (See Abstract). At the cited passage, Connally

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illustrates the broadcast of a meta-data broadcast schedule to client systems over an appropriate broadcast link. A broadcast server sends an uplink signal to a satellite, which broadcasts the meta-data broadcast schedule to client systems through RF bands, cable systems, or computer networks. (See paragraphs 0044-0045). Specifically, the cited reference further discloses a cable system that may enable bi-directional communication between the client system and the broadcast server. (See paragraph 0045). However, Connally fails to teach or suggest *facilitation of data communications between users* (i.e., between more than one client system rather than a client system and the main server) as in the claimed invention.

In addition, independent claim 23 (and similarly, independent claim 24) recites: *a pattern recognition component that evaluates a pattern relating to characteristics of an entity associated with the target data and identifies the entity*. Entities include a person or article with conditions (e.g., image, sound, position, movement, temperature, health, etc.) that may be monitored or recorded by a collection device. (See page 14, line 17—page 15, line 2). The claimed invention employs various data collection elements including, for example, a camera to capture time-based images of the region surrounding the target data for pattern recognition processing. (See page 15, line 25—page 16, line 5). Evaluation of the characteristics derived from the images determines the entity's identity. The Examiner does not address this aspect of the invention. Although Connally discusses ranking or rating algorithms based on client feedback, the cited reference is silent with respect to *entity identification and evaluation*.

In view of at least the foregoing, it is readily apparent that Connally does not teach or suggest the invention as recited in independent claims 1, 11, 19, 20, and 22-24 (and associated dependent claims 2-10, 12-18, 21, and 25-27). Accordingly, this rejection should be withdrawn.

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CONCLUSION

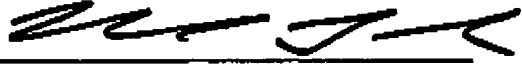
The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP234US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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